

REMARKS

This application is the US National Phase under 35 U.S.C. § 371 of International Application No. PCT/EP00/09565. Applicant provided with his first submission under § 371 a Preliminary Amendment of the application, receipt of which was acknowledged by the Office (see copies of the following attached documents: Transmittal Letter to the United States Designated/Elected Office Concerning a Filing Under 35 U.S.C. 371; Certification Under 37 C.F.R. § 1.10; Preliminary Amendment and postcard receipt).

It is apparent from the September 29, 2003 Office action that the Preliminary Amendment was not considered by the examiner, and that the September 29, 2003 Office action was rendered on the claims as contained in the original application manuscript. Therefore, applicant requests the September 29, 2003 Office action be withdrawn, and a new action be rendered in consideration of the Preliminary Amendment.

Applicant's undersigned attorney contacted by telephone examiner John R. Cottingham regarding the Office action and submission of the Preliminary Amendment. Examiner Cottingham indicated that since the September 29, 2003 Office action was rendered on the claims of the original application manuscript, it would appear that the Preliminary Amendment was not matched with the application file. Applicant's undersigned attorney indicated that a response to the Office action in the form herein provided would be made in order that an action in consideration of the Preliminary Amendment could be rendered.

The commissioner is authorized to charge any deficiency in the amount enclosed or any additional fees which may be required to Deposit Account No. 13-2855.

Dated: October 23, 2003

Respectfully submitted,

By 

Anthony G. Sitko

Registration No.: 36,278

MARSHALL, GERSTEIN & BORUN

233 S. Wacker Drive, Suite 6300

Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Attorneys for Applicant